

SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

**1. Summary of the Office Action.**

The drawings were objected to.

The disclosure was objected to.

Claims 1-39 were pending.

Claims 1-39 stand rejected under 35 U.S.C §102(b) over Harris et al (4,203,497)

**2. Discussion.**

**Drawing Objection**

Responsive to the drawing objection, enclosed is a red-lined proposed drawing correction for the examiner's consideration. Upon the close of prosecution, and with the examiner's approval, corrected formal drawings will be submitted.

**Disclosure Objections**

The Title has been amended and the incorporation by reference provision in the specification has been deleted in view of the objection.

## Claim Rejections - 35 USC §102

**Claim 1.** This claim was rejected under 35 USC §102(b) as being anticipated by Harris et al. The claim is amended to patentably distinguish and limit over Harris et al. by defining the invention to include a load cell **case** which surrounds the load cell for protection against side loading forces; that the load cell be a **single ended, shear beam** structure; that the **first end of the load cell be connected to the platform**; and that the engagement member include a **foot** and a **threaded fastener** connecting (**fixedly**) the **second end of the load cell to the base**. This structure and function is not shown, suggested or made obvious by Harris et al. In contrast, Harris et al. disclose: (1) **no** side loading **protection** case for the load cell; (2) a load cell 12 which is **double ended** (See Fig. 4); (3) the **center** 13 connection of the load cell to the platform 10; (4) a **one piece bar** structure engagement member (weight distribution means 16); and (5) **both ends** of the load cell connecting (**slidably** 15/44) the base. These differences are patentably significant because the amended elements relate to advantages the invention has in terms of a scale that tolerates high capacity moving loads without damaging the load cells or yielding inaccurate data due to side loading forces. It is submitted that this amendment patentably avoids the applied art. Withdrawal of the rejection is requested.

**Claims 10, 12, 13.** These claims are canceled in view of the amendment of claim 1.

**Claim 16.** This claim was rejected under 35 USC §102(b) as being anticipated by Harris et al. The claim is amended to patentably distinguish and limit over Harris et al. The amendment includes

all of the elements added to claim 1 discussed above, and further defines the invention explaining the load cell functional cooperation with the platform and base, and by requiring:

- (1) that the bases are L-shaped;
- (2) that the load cell mounts are disposed in corners of the platform and have a pair of mounting apertures and an access aperture;
- (3) four (4) load cell cases, each case having a top (with pass through apertures aligned with the mount apertures) and a continuous side;
- (4) that each load cell is fastened at the first end via threaded fasteners and nuts; and
- (5) that the engagement member foot includes a foot nut and a foot member.

In contrast, Harris et al. disclose:

- (1) a plate base 40 (See Figs. 3 and 4);
- (2) load cells connected across the front and rear ends of the scales (See Fig. 1);
- (3) no load cell load protection cases;
- (4) connection of the platform to the center of a load cell (See Fig. 4 and col. 4, lines 7-8); and
- (5) a one piece weight distribution means (16).

These differences are patentably significant because these amended elements also relate to the high capacity side load tolerant benefits of applicants' invention. This amendment clearly indicates a narrower interpretation than that of the original claim, which interpretation patentably avoids the applied art for these reasons in addition to those submitted with respect to claim 1 above.

Withdrawal of the rejection is requested.

**Claims 17, 18, 22, and 24-26.**

These claims are canceled in view of the amendment of claim 16.

**Claim 30.** This claim was rejected under 35 USC §102(b) as being anticipated by Harris et al. The claim is amended to patentably distinguish and limit over Harris et al. The amendment includes all of the elements added to claim 16 (and 1) discussed above, and further requires:

- (1) that the invention include two separate scale units oriented side by side for alignment with vehicle tracks or wheels;
- (2) that each scale unit include two scales oriented in tandem (one in front of the other) and connected by a connector; and
- (3) each scale having all of the elements set forth in amended claim 16 (and therefore amended claim 1 also) and further:
  - (i) being rectangular with a longer vehicle travel path than width;
  - (ii) having load cell body lengths being oriented longitudinally with respect to the vehicle travel path; and
  - (iii) having engagement member engagement fasteners which are long enough to raise the platform off the ground a distance sufficient to accommodate a lift fork underneath.

In contrast, Harris et al. disclose:

- (1) a single scale unit for an entire vehicle (col. 6, lines 56-62);
- (2) no tandem scale elements;
- (3) a greater scale width than length (see Fig. 2 and col. 6, lines 59-62);
- (4) load cells 12 oriented transversely to the vehicle travel path (col. 3, lines 65-67); and
- (5) a scale which is lifted by shackles 76 (col. 7, lines 1-4)

These differences are patentably significant because these amended elements also relate to the high capacity side load tolerant benefits of applicants' invention. This amendment clearly indicates a narrower interpretation than that of the original claim, which interpretation patentably avoids the applied art for these reasons in addition to those submitted with respect to claim 1 above.

Withdrawal of the rejection is requested.

**Claims 31, 32 and 35-38.** These claims are canceled in view of the amendment of claim 30.

**Claim 39.** This independent method claim was rejected under 35 USC §102(b) as being anticipated by Harris et al. The claim is amended to patentably distinguish and limit over Harris et al. The amendment includes all of the elements added to amended claim 1 discussed above and is believed to be patentable for the reasons presented. Withdrawal of the rejection is requested.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

<u>Any fees due are calculated as follows:</u>	<u>Number</u>	<u>Fee</u>
TOTAL claims remaining over that previously paid for:	None	\$0
INDEPENDENT claims remaining over that previously paid for:	None	\$0
	SUM claim fees:	\$0
EXTENSION fees:		\$510.00
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Respectfully submitted,



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7-23-06

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## DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by:

- (1) entering the attached papers identified "Replacement Sheets" which are presented in the APPENDIX; and
- (2) with reference to the papers labeled "Annotated Marked-up Drawings", which are also presented in the APPENDIX. Changes are shown relative to the immediate prior version of each sheet.